

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)
)
Plaintiff,) **INTERSTATE AGREEMENT ON**
) **DETAINERS ORDER**
vs.)
)
Robert William Rutherford,) Case No. 1:08-cr-001
)
Defendant.)

On February 7, 2008, Defendant made his initial appearance in the above-captioned action and was arraigned. Appearing on behalf of the United States was AUSA Clare Hochhalter. Assistant Federal Public Defender William Schmidt was appointed as defense counsel and appeared on Defendant's behalf.

Prior to his initial appearance, Defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary in Bismarck, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act ("IADA"), Defendant's appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the proceedings, Defendant's was advised of rights under the IADA to continued federal custody until the charges set forth in the indictment are adjudicated. Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the "sending state" under the

IADA) at the North Dakota State Penitentiary pending trial of the charges on the indictment by the United States (the “receiving state” under the IADA).

Based on Defendant’s waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that Defendant be housed in the “sending state” under the IADA, at the North Dakota State Penitentiary in Bismarck, North Dakota, pending trial of this matter or until further order of the court. Further, pursuant to Defendant’s waiver, the return of Defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 7th day of February, 2008.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court